IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2782 of 1983

For Approval and Signature:

Hon'ble MR.JUSTICE R.K.ABICHANDANI
and
Hon'ble MR.JUSTICE K.A.PUJ

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

MANGAL TRAVELS

Versus

REGIONAL TRANSPORT AUTHORITY

Appearance:

1. Special Civil Application No. 2782 of 1983

PARTY-IN-PERSON for Petitioner - Absent

MR MI HAVA for Respondents No. 1-2 - Absent

GOVERNMENT PLEADER for Respondents No. 1-2 - Absent

CORAM : MR.JUSTICE R.K.ABICHANDANI
and
MR.JUSTICE K.A.PUJ

Date of decision: 08/01/2002

ORAL JUDGEMENT

(Per : MR.JUSTICE R.K.ABICHANDANI)

1. No one appears in the matter. The petitioner has prayed for a direction that the opponents be restrained from delegating powers to their Secretaries or to the Regional Transport Officers functioning for the respective regions under their jurisdiction under Rule 68(1) to (4) or under sub-rule (1)(a)(xi) of Rule 69 of the Bombay Motor Vehicles Rules, 1959, to grant or refuse to grant special permits under section 63(6) of the Motor Vehicles Act, 1939.

2. Though the petitioner has made a grievance that the opponents, who are regional transport authorities of Ahmedabad city region and North Gujarat region, have delegated their powers to their Secretaries, there is nothing placed on record to show that any orders delegating such powers have been made. Under section 63 of the Motor Vehicles Act, 1939, it is, inter alia, provided that, except as may be otherwise prescribed, a permit granted by the Regional Transport Authority of any one region shall not be valid in any other region unless the permit has been countersigned by the Regional Transport Authority of that other region. Under sub-section (6) of section 63, it has been provided that, notwithstanding anything contained in sub-section (1), but subject to any rules that may be made under this Act, the Regional Transport Authority of any one region may, for the convenience of the public, grant a special permit in relation to a public service vehicle for carrying a passenger or passengers for hire or reward under a contract, express or implied, for the use of the vehicle as a whole without stopping to pick up or set down along the line of route passengers not included in the contract. If any error has been committed in signing any order, it would not imply that there has been a general delegation of powers by the Authority in favour of the Secretary. The petitioner has not challenged any orders which may have been issued under the purported exercise of delegated powers, nor has he challenged or even brought on record any directions showing delegation of powers of the Regional Transport Authority in favour of any unauthorised entity.

3. There is therefore no substance in this petition and it is rejected. Rule is discharged with no order as to costs.

JANUARY 08, 2002 [R.K.ABICHANDANI, J.]

[K.A.PUJ, J.]

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